



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3247

by Rep. Kenneth Dunkin

SYNOPSIS AS INTRODUCED:

New Act

Creates the Open College Textbook Act. From appropriated amounts, authorizes the Board of Higher Education to award grants, on a competitive basis, to eligible entities to carry out described activities, including creating, updating, or adapting open textbooks (defined as a textbook or set of course materials in electronic format that is designed for use in a college course at an institution of higher education and that is licensed under an open license). Defines an "eligible entity" as (i) an institution of higher education in this State, (ii) a professor or group of professors at an institution of higher education in this State, or (iii) a nonprofit or for-profit organization that produces open textbooks. Requires the Board to award grants in a manner that will result in the creation of a comprehensive slate of high quality course materials for introductory courses in a variety of subject areas. Sets forth provisions concerning the duration of a grant, grant applications, requirements for grant recipients, a peer review and evaluation process, appropriations, licensing materials, and a report to the General Assembly. Effective immediately.

LRB098 09803 NHT 39954 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Open
5 College Textbook Act.

6 Section 5. Findings. The General Assembly finds all of the
7 following:

8 (1) The growth of the Internet has enabled the creation
9 and sharing of open content, including open educational
10 resources.

11 (2) The President of the United States has proposed a
12 new, significant federal investment in the creation of
13 online open-source courses for community colleges that
14 will make learning more accessible, adaptable, and
15 affordable for students.

16 (3) The President has challenged the United States with
17 a goal of having the highest college graduation rate in the
18 world by 2020.

19 (4) More than 80% of the 23,000,000 jobs that will be
20 created in the next 10 years will require postsecondary
21 education, but only 36% of all 18 to 24-year-olds are
22 currently enrolled in postsecondary education
23 institutions.

1 (5) The high cost of college textbooks continues to be
2 a barrier for many students in achieving higher education,
3 and, according to the Advisory Committee on Student
4 Financial Assistance, 200,000 qualified students fail to
5 enroll in college each year due to cost.

6 (6) The College Board reported that for the 2007-2008
7 academic year an average student spent an estimated \$805 to
8 \$1,229 on college books and supplies.

9 (7) Making high quality open textbooks freely
10 available to the general public could significantly lower
11 college textbook costs and increase accessibility to such
12 educational materials.

13 (8) Open textbooks can improve learning and teaching by
14 creating course materials that are more flexible,
15 adaptable, and accessible through the use of technology.

16 Section 10. Definitions. In this Act:

17 "Board" means the Board of Higher Education.

18 "Open license" means an irrevocable intellectual property
19 license that grants the public the right to access, customize,
20 and distribute copyrighted material.

21 "Open textbook" means a textbook or set of course materials
22 in electronic format that is designed for use in a college
23 course at an institution of higher education and that is
24 licensed under an open license.

1 Section 15. Grant program.

2 (a) In this Section, "eligible entity" means the following:

3 (1) an institution of higher education in this State;

4 (2) a professor or group of professors at an
5 institution of higher education in this State; or

6 (3) a nonprofit or for-profit organization that
7 produces open textbooks.

8 (b) From the amount authorized to be appropriated under
9 subsection (i) of this Section, the Board is authorized to
10 award grants, on a competitive basis, to eligible entities to
11 carry out the activities described in this Section, including
12 creating, updating, or adapting open textbooks. The Board shall
13 award grants in a manner that will result in the creation of a
14 comprehensive slate of high quality course materials for
15 introductory courses in a variety of subject areas.

16 (c) Grants awarded under this Section shall be one year in
17 duration.

18 (d) Each eligible entity desiring a grant under this
19 Section shall submit an application to the Board at such time,
20 in such manner, and accompanied by such information as the
21 Board may reasonably require.

22 Each application submitted under this subsection (d) shall
23 include a description of the project to be completed with grant
24 funds and the following:

25 (1) a plan for quality review and a review of the
26 accuracy of content;

1 (2) a plan for access to ensure the widest possible
2 availability of the digital version of the open textbook;

3 (3) a plan for distribution and adoption of the open
4 textbook to ensure the widest possible adoption of the open
5 textbook in postsecondary courses, including, where
6 applicable, a marketing plan or a plan to partner with
7 for-profit or nonprofit organizations to assist in
8 marketing and distribution; and

9 (4) a plan for tracking and reporting formal adoptions
10 of the open textbook within postsecondary institutions,
11 including an estimate of the number of students impacted by
12 the adoptions.

13 (e) In awarding grants under this Section, the Board shall
14 give special consideration to applications that demonstrate
15 the greatest potential to produce the following:

16 (1) the highest quality and most marketable open
17 textbooks;

18 (2) open textbooks that correspond to the highest
19 enrollment courses at institutions of higher education;

20 (3) open textbooks that are easily utilized by faculty
21 members at institutions of higher education; and

22 (4) open textbooks created in partnership with
23 for-profit or nonprofit organizations to assist in
24 marketing and distribution.

25 (f) An eligible entity that receives a grant under this
26 Section shall do the following:

1 (1) create a new open textbook for use in postsecondary
2 coursework;

3 (2) update an open textbook for use in postsecondary
4 coursework; or

5 (3) adapt a textbook into an open format for use in
6 postsecondary coursework.

7 An open textbook created, updated, or adapted under this
8 subsection (f) must be licensed through an open license.

9 The full and complete digital content of each open textbook
10 created, updated, or adapted under this subsection (f) (i) must
11 be posted on an easily accessible and interoperable Internet
12 website, which website must be identified to the Board by the
13 eligible entity, and (ii) must be made available free of charge
14 to and may be downloaded, redistributed, changed, revised, or
15 otherwise altered by any member of the general public.

16 (g) The Board shall develop a peer review and evaluation
17 process to ensure that open textbooks created, updated, or
18 adapted under this Section are of the highest quality, are
19 accurate in content, and meet or exceed market quality and
20 accessibility standards.

21 (h) Upon an eligible entity's completion of a project
22 supported by a grant under this Section, the eligible entity
23 shall prepare and submit a report to the Board regarding all
24 project costs, including the value of any volunteer labor and
25 institutional capital used for the project.

26 (i) For each of the 6 succeeding fiscal years after the

1 effective date of this Act, the General Assembly is authorized
2 to appropriate such amounts as are necessary to carry out the
3 provisions of this Section, to be divided among 3 grants each
4 fiscal year.

5 Section 20. Licensing materials.

6 (a) Notwithstanding any other provision of law,
7 educational materials for use in elementary, secondary, or
8 postsecondary courses must be licensed under an open license.

9 (b) The full and complete digital content of each of the
10 materials created as described in subsection (a) of this
11 Section (i) must be posted on an easily accessible and
12 interoperable Internet website, which website must be
13 identified to the Board by the grant recipient, and (ii) must
14 be made available free of charge to and may be downloaded,
15 redistributed, changed, revised, or otherwise altered by any
16 member of the general public.

17 Section 25. Intent of the General Assembly. It is the
18 intent of General Assembly that institutions of higher
19 education in this State should encourage the consideration of
20 open textbooks by professors within the generally accepted
21 principles of academic freedom that establish the right and
22 responsibility of faculty members, individually and
23 collectively, to select course materials that are
24 pedagogically most appropriate for their classes.

1 Section 30. Report.

2 (a) No later than September 30, 2019, the Board shall
3 prepare and submit a report to the General Assembly detailing
4 the following:

5 (1) the open textbooks created, updated, or adapted
6 under this Act;

7 (2) the adoption of such open textbooks; and

8 (3) the savings generated for students and this State
9 though the use of open textbooks.

10 (b) This Section is repealed on June 1, 2016.

11 Section 90. Rules. The Board may adopt any rules necessary
12 to implement this Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.